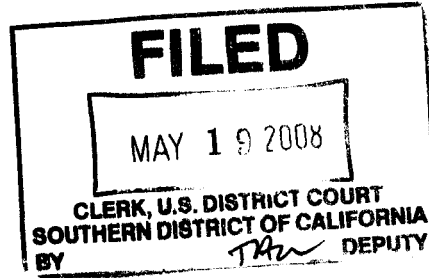


AUSA



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Alberto RUIZ-Lorenzo,

Defendant.

Mag. Case No.

**'08 MJ 8446**

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326  
Deported Alien Found In the  
United States

The undersigned complainant being duly sworn states:

On or about March 20, 2008, within the Southern District of California, defendant Alberto RUIZ-Lorenzo, an alien, who previously had been excluded, deported and removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4), and (557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

*[Signature]*  
Deportation Officer  
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 19th DAY OF May 2008.

*[Signature]*  
Peter C. Lewis  
U.S. MAGISTRATE JUDGE

I, Deportation Officer Stephen J. Prendergast declare under penalty of Perjury, the following is true and correct:

### **PROBABLE CAUSE STATEMENT**

The complainant states that this complaint is based upon the statements of the apprehending Immigration Enforcement Agent Mark T. Gallaga.

On March 20, 2008, the defendant, identified as Alberto RUIZ-Lorenzo, was arrested in Calipatria, California, by Officer Mara, of the Calipatria Police Department, for being under the influence of a controlled substance in violation of HS-11550(A). Immigration Enforcement Agent Giovanni Penate subsequently encountered the defendant in custody at the Imperial County Jail and placed an immigration detainer on Form I-247.

On May 16, 2008, at approximately 7:15 a.m., the defendant was referred to the custody of United States Immigration and Customs Enforcement in Imperial, California. Immigration Enforcement Agent Mark T. Gallaga arrested RUIZ and transported him to the Imperial Office.

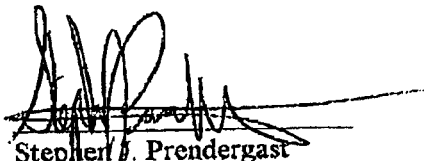
Record checks of RUIZ revealed that he was previously ordered deported to Mexico by an Immigration Judge on March 21, 2006. On March 21, 2006, RUIZ was removed to Mexico via the San Ysidro, California Port of Entry. Further record checks revealed that RUIZ has a criminal record.

At approximately 10:30 a.m. on May 16, 2008, Deportation Officer Stephen Prendergast advised RUIZ as to his rights as per Miranda. Deportation Officer Carlos Sanchez witnessed this. RUIZ stated that he understood his rights as was willing to make a statement without an attorney present.

RUIZ stated that he is a citizen of Mexico who has previously been deported from the United States. RUIZ also stated that he last entered the United States illegally and he did so because he wanted to return to visit his children. He added that he has never received permission to re-enter the United States after having been deported.

There is no evidence that RUIZ ever sought or received permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, for permission to re-enter the United States.

Executed on May 17, 2008 at 9:45 AM.

  
Stephen J. Prendergast  
Deportation Officer

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find probable cause to believe the defendant named in this probable cause statement committed the offense on March 20, 2008, in violation of Title 8, United States Code 1326.

  
United States Magistrate Judge

5/17/08 9:53 am  
Date/Time